

On October 31, 1994, we published in the **Federal Register** (59 FR 54398–54399, Docket No. 94–097–1) a proposal to amend the regulations by removing Spain from the list of countries in § 92.308(a)(2), which APHIS considers affected with AHS.

We solicited comments concerning our proposal for 60 days ending December 30, 1994. We did not receive any comments. The facts presented in the proposed rule still provide the basis for this final rule.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal as a final rule without change.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**. This rule relieves restrictions which require horses imported from Spain to enter the United States only at the port of New York and be quarantined at the New York Animal Import Center in Newburgh, NY, for at least 60 days. This rule allows horses from Spain to be shipped to and quarantined at ports designated in § 92.303, and reduces the quarantine period to an average of three days to meet the quarantine and testing requirements specified in § 92.308. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be made effective 15 days after publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This rule amends the regulations in part 92 by removing Spain from the list of countries that APHIS considers affected with AHS. This action relieves unnecessary restrictions on the importation of horses from Spain. The primary impact of this rule will be on U.S. importers of horses from Spain, none of whom can be considered a small entity. These importers will no longer be required to quarantine horses from Spain for 60 days at the New York Animal Import Center in Newburgh, NY. The rule will allow horses from Spain to be shipped to and quarantined at ports designated in § 92.303, and will reduce the quarantine and testing period to an average of three days to meet quarantine requirements specified in § 92.308.

The number of horses imported from Spain each year is extremely small. In 1993, the United States imported 20,715 horses, mules, and burros, of which only nine came from Spain. Removing the requirement for a 60-day quarantine at the New York Animal Import Center in Newburgh, NY, for horses from Spain will make the importation of these horses less expensive and logistically easier. We anticipate that the number of horses imported from Spain may slightly increase. However, with the very small number of horses imported from Spain, we anticipate the overall economic impact on businesses and individuals will be minimal.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities. Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects in 9 CFR Part 92

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 92 is amended as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

§ 92.308 [Amended]

2. In § 92.308, paragraph (a)(2) is amended by removing “Spain,”.

Done in Washington, DC, this 14th day of February 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–4176 Filed 2–17–95; 8:45 am]

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EXPORT-IMPORT BANK OF THE UNITED STATES

12 CFR Part 409

Environmental Review Procedures

AGENCY: Export-Import Bank of the United States.

ACTION: Final rule.

SUMMARY: As part of the implementation of 1992 amendments to the Charter of the Export-Import Bank (“Ex-Im Bank”), Ex-Im Bank is removing its existing environmental regulations at 12 CFR part 409.

EFFECTIVE DATE: The removal of 12 CFR part 409 is effective as of February 21, 1995.

FOR FURTHER INFORMATION CONTACT: Popi Artavanis, Export-Import Bank of the United States, Engineering and Environment Division, 811 Vermont Ave. NW., Washington, DC 20571, tel. (202) 565–3570.

SUPPLEMENTARY INFORMATION: Section 106 of the Export Enhancement Act (12 U.S.C. 635i–5) (“Section 106”) provides that Ex-IM Bank shall establish environmental review procedures consistent with the Bank’s overall mandate to maintain U.S. export competitiveness. The procedures to be issued under Section 106 are intended to inform relevant decision-makers of potential beneficial and adverse environmental effects of goods and services for which financing is requested, so that such information will be taken into account in the decision to grant or withhold financing. Section 106 also grants the Ex-Im Bank Board of Directors explicit authority to withhold financing in a particular transaction solely for environmental reasons.

Ex-Im Bank is removing the regulations at title 12, chapter IV, of the Code of Federal Regulations, part 409 (promulgated under E.O. 12114), which were issued in 1979. In place of these regulations, the Ex-Im Bank Board of Directors has approved a set of Environmental Procedures and Guidelines after informal consultations with exporters, environmental groups, and other government agencies. The new procedures and guidelines will be effective on a one-year trial basis until

February 1, 1996. These procedures and guidelines, designed to comply with the 1992 amendments to Ex-Im Bank's charter, are not subject to notice and comment requirements or to publication in the **Federal Register** pursuant to 5 U.S.C. (a)(2), 553(b)(A), and 553(d)(2). Copies may be obtained by written request from Ex-Im Bank's Engineering and Environment Division, 811 Vermont Avenue NW., Washington, DC 20571.

List of Subjects in 12 CFR Part 409

Environmental impact statements,
Foreign Relations.

Accordingly, under the authority of section 106 of the Export Enhancement Act (12 U.S.C. 635i-5) 12 CFR part 409 is removed.

Dated: February 7, 1995.

Carol F. Lee,

General Counsel, Export-Import Bank of the United States.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94-NM-27-AD; Amendment 39-9134; AD 95-02-15]

Airworthiness Directives; Boeing Model 747-100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 747-100 series airplanes, that currently requires repetitive inspections to detect cracking of the wing front spar web above engine numbers 2 and 3, and repair, if necessary. This amendment requires repetitive inspections to detect cracks in the web and cracked or broken fasteners in an area beyond that specified in the existing AD. This amendment also provides an optional terminating action for the repetitive inspections. This amendment is prompted by reports of broken fasteners and cracking of the web common to the upper and lower chords in an area outside the inspection zone specified in the existing AD. The actions specified by this AD are intended to prevent fuel leakage onto an engine and a resultant fire due to cracking or broken fasteners in the wing front spar.

DATES: Effective March 23, 1995.

The incorporation by reference of Boeing Service Bulletin 747-57A2266,

dated June 6, 1991, as listed in the regulations, was approved previously by the Director of the Federal Register as of May 4, 1992 (57 FR 10415, March 26, 1992).

The incorporation by reference of certain other publications, as listed in the regulations, is approved by the Director of the Federal Register as of March 23, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2776; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 92-07-11, amendment 39-8207 (57 FR 10415, March 26, 1992), which is applicable to certain Boeing Model 747-100 series airplanes, was published in the **Federal Register** on August 23, 1994 (59 FR 43304). The action proposed to require repetitive detailed visual and ultrasonic inspections to detect cracks in an area beyond that specified in the existing AD; repetitive ultrasonic inspections of the fasteners in the web-to-chords, web-to-stiffeners, and web-to-rib posts to detect cracked or broken fasteners between front spar stations (FSS) 570 and 684; and oversizing the fastener holes, performing an eddy current inspection to detect cracking of the fastener holes, and replacing cracked fasteners with oversized fasteners, if necessary.

Discussion of Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposed rule.

Two commenters request that the initial inspection threshold specified in paragraph (b) of the proposal be extended from 1,000 to 2,000 flight cycles (after the immediately preceding

inspection) to be consistent with the recommendations of Boeing Alert Service Bulletin 747-57A2266, Revision 3, dated March 31, 1994, which is referenced in the proposal as the appropriate source of service information. The FAA concurs. The FAA finds that such an extension of the inspection threshold will not adversely affect safety. Therefore, the final rule has been revised accordingly. In addition, the FAA has revised the "grace period" of 6 months (after the effective date of the AD), as specified in proposed paragraph (b), to 9 months in order to correspond with the recommendations of the service bulletin.

The Air Transport Association (ATA) of America, on behalf of one of its members, requests that the FAA delay issuance of this AD until the next revision of Boeing Service Bulletin 747-57A2266 is issued. (Revision 3 of that service bulletin is referenced in the proposal as the appropriate source of service information.) The commenter notes that, in accomplishing the proposed inspection/modification, many of the fastener holes required oversizing beyond the criteria described in the referenced version of service bulletin. The commenter also states that it has found several cracked rivets that had not been identified using the ultrasonic inspection technique recommended in that service bulletin. The commenter indicates that Boeing has advised that it is considering issuance of a revision to the service bulletin to address this concern.

The FAA does not concur with the commenter's request to delay issuance of the final rule. Since the issuance of the proposal, Boeing has issued Revision 4 of Boeing Service Bulletin 747-57A2266, dated November 3, 1994. This revision is essentially the same as the previous version, but specifies the locations of certain fasteners that must be inspected using ultrasonic techniques. The locations of these fasteners are in the web-to-chords, and in the top two and bottom two rows in the web-to-stiffeners and web-to-rib posts of the wing front spar. Paragraphs (b)(3) and (c)(3) of the final rule have been revised to specify this.

Revision 4 of the service bulletin also updates certain information concerning parts and materials, adds a reference to an ultrasonic testing procedure in the Nondestructive Test Manual, provides an additional inspection method for detecting cracks inside the fuel tank, and includes an additional method of removing fasteners for inspection. The final rule has been revised to cite the latest revision of the service bulletin as